

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JUNE 10, 2020**

**CALL TO ORDER
5:59 PM**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at the Trade Center Building at the Flathead County Fairgrounds, 265 N. Meridian Rd., Kalispell, MT. Board members present were Dean Sirucek, Greg Stevens, Sandra Nogal, Jeff Larsen, Mike Horn, and Elliot Adams. Kevin Lake and Ron Schlegel had excused absences. Jim Thompson had an unexcused absence. Donna Valade, Erin Appert, Erik Mack, and Mark Mussman represented the Flathead County Planning & Zoning Office.

There were 33 members of the public in attendance.

**APPROVAL OF
MEETING
MINUTES
6:00 PM**

Sirucek made a motion, seconded by Horn, to approve the May 13, 2020 meeting minutes.

Motion passed on a 5-0 roll call vote. Nogal Abstained.

**PUBLIC
COMMENT
*(Public matters that
are within the
jurisdiction of the
Board 2-3-103
M.C.A)*
6:01 PM**

None

**DISCLOSURE OF
ANY CONFLICT
OF INTERESTS
6:01 PM**

Larsen disclosed that he had a conflict of interest with file FPP-20-05 (The Fort) as he had worked on that file. He would be recusing himself and vice-chairman Stevens would run that portion of the meeting.

**SAINT HERMAN
ORTHODOX
CHURCH
(FPP-19-10)
6:00 PM**

A request from the Saint Herman Orthodox Church and the Stimer Family Trust, with technical assistance from Meridian Land Surveying, Inc. for preliminary plat approval of Saint Herman Subdivision, a proposal to create two (2) lots-one residential lot and one lot to be used by the Saint Herman Orthodox Church on approximately 40.822 acres. The applicants are proposing individual wells and septic systems and primary access to the proposed church lot will be from Morning View Drive and access to the house will remain along North Hill Road. The property is located at 285 North Hill Road.

STAFF REPORT
6:02 PM

Erik Mack reviewed staff report FPP-19-10 for the board.

**BOARD
QUESTIONS**
6:04 PM

None

**APPLICANT
PRESENTATION**
6:04 PM

Seth McFarland with Meridian Land Surveying, 113 St. Anthony Way in Bozeman, was the technical representative for this project. He read the letter from Mike Fraser, the licensed engineer who had worked on the project as well, which addressed the issues of concern over the traffic impact and the traffic impact study that was produced. He pointed out an updated site plan within the traffic study which was to address the concern over the access points. They had reworked the site plan to limit the access to one driveway access to the church site. The driveway would line across from Morning View Way and would create a nice intersection to an already approved subdivision road and lots of site distance.

**BOARD
QUESTIONS**
6:11 PM

Sirucek asked about potential lighting concern and wondered if the applicants had any objection to a condition that would address that concern. McFarland said the lighting did not fall within the lines of being a safety and health issue and reiterated the property was unzoned, but deferred to Father Daniel to answer that.

Father Daniel Kirk said they were very aware of the rural setting and were perfectly willing to put in some type of provision to mitigate along those lines. They were not planning on putting driveway lighting. They were aware the parking lot would potentially be visible and wanted to mitigate that with landscaping.

Larsen wanted to know if the site distance had been addressed with the new position of the access point. McFarland explained in great detail how it was addressed.

Larsen asked why the traffic impact study did not address the configuration of the intersection at the highway. McFarland explained they had looked at the safety of the intersection and found no pattern indicating that it was an unsafe intersection compared to a typical intersection. They based this on the levels of service and the crash patterns. He went into specific detail that had been looked at in the traffic study.

**AGENCY
COMMENTS**
6:16 PM

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
6:17 PM**

Jim Riley, 58 Morning View Way, spoke in opposition of the application. He wanted to know more about the traffic study. He represented the HOA and said there was already a traffic concern getting out onto Highway 2. The traffic was backed up in morning and afternoon traffic. If they were going to add more volume to the traffic, he was concerned about the potential impact.

Patty Fleming, 500 N Hill Rd., requested an amendment to her public comment in the last meeting regarding the property. She was concerned over increase of traffic after MDT built the roundabout at W. Springcreek and Hwy 2. People will avoid the roundabout and construction and therefore will increase the traffic on West Valley and Morning View. She questioned if the traffic study had been done during a time where the volume would have been affected by the stay home directive due to the Coronavirus.

Doug Bolender, 325 North Hill Rd., spoke in opposition of the application and said they had already seen a huge increase of traffic [in the area]. He was concerned about the negative impact that increase of traffic on Morning View may have. North Hill Rd. was a gravel road which was privately maintained and he did not feel it was fair to have them take care of the increase of traffic.

Jim Morris, 26 Morning View Way, spoke in opposition of the application. He had heard a rumor that they were proposing schooling as well and wanted to know when they could expect the increase of traffic.

Charlene Payne, 316 Morning View Dr., spoke in opposition of the application. She thanked the church for being willing to change the parking and felt that it showed they were willing to work with the community. It was a big change for all of them. She wanted to let the board know that she had spoken to James Freyholz with MDT and said that intersection was currently in review with a report coming out soon. She felt it needed a 5 way roundabout.

**APPLICANT
REBUTTAL/
COMMENTS
6:27 PM**

Larsen asked McFarland to address the concerns over the traffic. McFarland addressed those concerns in detail with statistics given in the traffic study (i.e. page 8 of the study). The study showed that 95% of the traffic would be coming from Morning View Dr. and 5% would be along North Hill Road. They were based on the location of the current population and where the traffic would be traveling from. They used those numbers to evaluate the intersections appropriately. In regards to the concern over the impact the church would have on the intersections of West Valley and Morning View Drive and West Valley and Hwy 2, he disclosed the traffic numbers based on peak hours of Sunday morning traffic. He discussed this in great detail.

McFarland addressed the potential attendance numbers in relation to the traffic impact.

**STAFF
REBUTTAL/
COMMENTS
6:33 PM**

None

**BOARD
QUESTIONS
6:33 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-19-10)
6:34 PM**

Sirucek made a motion, seconded by Nogal, to adopt staff report FPP-19-10 as Findings of Fact.

**BOARD
DISCUSSION
6:34 PM**

Nogal addressed Fraser's letter requesting and amendment on Finding of Fact #4 to be reworded. Larsen asked that she read the current finding. After doing so, Nogal noted that she did not feel they needed to make any changes. There was no further discussion.

**ROLL CALL TO
ADOPT F.O.F.
(FPP-19-10)
6:37 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-19-10)
6:37 PM**

Stevens made a motion, seconded by Sirucek, to recommend approval of FPP-19-10 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:37 PM**

Stevens appreciated the traffic concerns and was aware of them. The board wanted a traffic impact study before they made any determinations, which was provided. That traffic impact study showed that there would be no change in the level of service, and because of that, he was going to vote in favor of the 2 lot subdivision.

Sirucek was surprised that the Flathead County Road Department did not see it necessary to review the initial application. He heard the pastor say they were aware of the concern over lighting and were aware it was a rural area. He did not see a need to tie a condition to that.

Larsen was glad they were going to change the intersection configuration. He felt that was good. The traffic study was done by professional engineers who had done a comprehensive traffic count and used MDT statistics and increased

them to reflect peak numbers. He wished they could do something with the configuration of the intersection but did not think the applicants could do anything about it. He did feel that, as traffic increased in the area, it would push MDT to make improvements to the intersection. The applicants, for this particular project, would add a negligible increase of traffic to that intersection. He was in support of the application. He appreciated all the comments and concerns from the neighbors, which was the reason they had requested the traffic impact study. He was glad that issue had been addressed.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-19-10)
6:41 PM**

The motion passed unanimously on a roll call vote

**LAMB LANE
SUBDIVISION
(FPP-19-12)
6:42 PM**

A request by C.R.O.W. LLC with technical assistance from A2Z Engineering and Sam Cordi Surveying for preliminary plat approval of North Lamb Lane Subdivision, a proposal to create six (6) residential lots on approximately 15.2 acres. The subdivision will be served by shared septic and wells. Access would be off Lamb Lane via Karrow Avenue. The property is located at 1545 Karrow Avenue, Whitefish, MT.

**MOTION TO
PULL FPP-19-12
OFF THE TABLE
6:44 PM**

Stevens motioned, seconded by Nogal, to pull FPP-19-12 off the table to continue the hearing for said file.

**APPLICANT
REBUTTAL/
COMMENTS
6:46 PM**

Jake Christiansen and Yvonne May, 74 Lamb Lane, were the applicants and asked if the board had received the letter from A to Z Engineering with rebuttal information to the comments received at last meeting. Matt Nerdig helped them work through those concerns. He briefly summarized the letter and asked if they had any questions.

**BOARD
QUESTIONS
6:47 PM**

Stevens questioned if the applicant wanted to revise the statement on the intermittent stream based on the field exploration. Christiansen explained there was an overflow of spring drainage that came underneath the culvert as snow run off from the parking lot but was not identified as a stream. May clarified it was a manmade trench. It did not cross the property until the far corner. Stevens knew where it crossed. May understood that, within the writing and verbiage seen, there was a difference between an intermittent stream and a man-made trench. Stevens wanted it on the record that he witnessed water flowing on the property. He did not know if they wanted to call it a trench or an intermittent stream, which was why he asked the question because it looked like an intermittent stream. He did not think it was a big

problem because it was in the open space park area and was far removed from the platted lot and did not require mitigation but, as a matter of fact, there was flowing water.

Nerdig asked if it was after a large storm event. He explained that a lot of the water in that area was from the runoff from the parking lot of the church nearby; which is why they referred to it as a storm water conveyance due to the rain in the last couple of days. That was why he probably had seen it flowing again. It was not an area where development was proposed.

Stevens wanted correct information on the record to avoid any future mitigation when there was water flowing on the property and the applicants said there was not. Nerdig read the comment saying the field expiration showed no intermittent stream on the property. Nerdig said when he had looked at it last summer, he did not see water. May said it was only because of all the rain that they had recently. Stevens replied that was probably the definition of an intermittent stream.

Sirucek gave the definition of an intermittent stream.

Stevens said it very well could be run off from a parking lot which implied that neighbor's drainage plan included running water onto someone else property. That didn't sound right.

Nerdig explained the DEQ interpretations of storm water which included allowing offsite flow but could not exceed pre-development. He discussed this at length.

Stevens said it went through the park and was not anything that required any mitigation however he wanted it to be on the record. Nerdig said he was willing to reword it but Stevens said that it was not needed.

Larsen asked that Nerdig go through and address the comments in which Nerdig summarized the response in his letter.

Larsen asked about the well and the well isolation zone which went into the road and neighbor's property. He asked about the waiver and Nerdig explained that the neighbor's would not grant the easement and therefore they had to go through the waiver. He explained this in great detail. Larsen wanted it addressed and on the record.

Nerdig addressed traffic impact and how they had done traffic counts in the area. He addressed the fire concerns. He addressed dust mitigation and dust control. He addressed groundwater monitoring. He said there was a lot to the south which they had done groundwater testing for a cemetery. This was the first [testing] for this lot and had met all the requirements. Nerdig also said

they verified water flow. He addressed the wetlands in the area. The GIS showed wetlands but it did not show up on the National Wetlands Inventory, which was the proper source. He addressed flood mapping and said, according to FEMA, there were no wetlands. There were culverts related to storm water. The developers intended to keep the rural feel while allowing development to go on. He addressed the comment on easements, relating to the easement within the well control zone. It was not an issue because they had already received the waiver from DEQ and did not have to have that easement. He addressed the concern about growth policy performance, clarifying that it was a cluster development but still met the 2.5 acre requirement which was regulated. He explained the reasoning behind cluster development; to obtain a larger open space. He addressed the weed plan. He addressed the questions of ADU and explained that it was no different than what was already allowed. He explained the idea behind it. The developer had worked with an attorney to ensure that the open space stays an open space.

**BOARD
QUESTIONS**
7:13 PM

None

**STAFF
REBUTTAL/
COMMENTS**
7:13 PM

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-19-12)**
7:13 PM

Stevens made a motion, seconded by Nogal, to adopt staff report FPP-19-12 as Findings of Fact.

**BOARD
DISCUSSION**
7:14 PM

Stevens wanted it on the record that the Planning Board had considered all of the points made in the letter of concern received from Mayre Flowers. He rebutted the proposed findings from Flowers and gave reason. He was in agreement with the staff report which called [the subdivision] appropriate. He felt this was one of the least problematic subdivisions he had seen and was in agreement with the staff report.

Adams also addressed the letter from Flowers. He too rebutted many of the proposed findings from Flowers. He felt that photos submitted were misleading as he did not believe they were even of the subject property. He reiterated and was in agreement with many of the points that Stevens had made.

Larsen felt that Nerdig, Adams, and Steven had done a good job of reviewing the extensive amount of comments that had been received from Flowers and

two attorneys from Whitefish. He was bothered by many of the proposed alternative findings from Flowers and her implication that Nerdig had not even looked at it. Larsen went through the whole file and Nerdig had almost designed the whole thing. There was a comment from an attorney regarding the lack of weed control plan, however, Larsen pointed out that it was in the environmental assessment and had already been approved by the county. He too continued to rebut the comments in detail. He felt that the subdivision had done one of the best jobs that he had seen of addressing an environmental assessment. They normally did not see the extensive design that was in front of them. The answers Nerdig had given, mirrored what Larsen had seen when he walked the site. He also agreed with Adams that most of the information [from Flowers] that was received about the wetlands and ground water had nothing to do with that site. It was a different property and he felt that it was somewhat deceptive. He spent a lot of time reading over the comments and took every comment into consideration. He felt the staff report was spot on. He was proud of the job the staff had done, the applicants had done, and the time the board took to really look into each comment.

**ROLL CALL TO
ADOPT F.O.F.
(FPP-19-12)
7:31 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-19-12)
7:31 PM**

Stevens made a motion, seconded by Sirucek, to recommend approval of FPP-19-12 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:31 PM**

Stevens pointed out that it was a 6 lot subdivision that had to go through the cluster provision, in order to provide for the open space, which resulted in the lots being a little smaller. The overall density was not any more than zoning allowed, it was just that the density of the lots were a little smaller. He thought it was a good idea. They still had close to 1-2 acre lots, which was plenty to take care of. He felt that people were generally in favor of using the cluster in these type of subdivisions. He explained the history of how that type of zoning came into place. This kind of subdivision was to be expected there on that type of parcel. He felt it was going to be an improvement to the area [referring that there was some possible community decay on Karrow Avenue. He thought it was going to be a good addition to the area, and when all was said and done people would feel it was an improvement. He was in favor of passing this proposal and felt it was well thought out.

Adams wanted to address the letter from Michelle Tafoya and felt it was ridiculous to not allow people to use an open park space because they might

not know where the boundaries were. He also addressed the portion of the letter that said “the Board’s lack of authority to hear or approve this CUP” and asked if the staff wanted to speak to that.

Mussman said the letter was dated May 3, 2019 and was submitted to the Board of Adjustment (BOA) when they heard the request for cluster. The letter went on to say that the BOA could not make decisions on subdivisions and they were not. Mussman explained it was a requirement in the residential zones that would require a conditional use permit (CUP) when the use of a cluster development comes into play. Her comment was strictly to the review of the CUP and approval of the cluster.

Larsen recapped the process the applicants had gone through to get approval. He was going to support this application and felt that all the concerns and comments had been adequately addressed.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-19-12)
7:40 PM**

The motion passed unanimously on a roll call vote

**BRIAN AND
CRYSTAL RAY
(FZC-20-05)
7:41 PM**

A zone change request from Brian & Crystal Ray with technical assistance from Sands Surveying, Inc. for property in the Highway 93 North Zoning District. The proposal would change the zoning on property located at 555 Schrade Road, Kalispell, MT from *SAG-10 (Suburban Agricultural)* to *SAG-5 (Suburban Agricultural)*. The total acreage involved in the request is approximately 39.97 acres.

**STAFF REPORT
7:41 PM**

Erin Appert reviewed staff report FZC-20-05 for the board.

**BOARD
QUESTIONS
7:42 PM**

None

**APPLICANT
PRESENTATION
7:43 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, was the technical representative for the applicants. He summarized the proposal and intent for the zoning application.

**BOARD
QUESTIONS**

None

7:43 PM

**AGENCY
COMMENTS**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

7:44 PM

**PUBLIC
COMMENT**

None

7:44 PM

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-20-05)**

Sirucek made a motion, seconded by Nogal, to adopt staff report FZC-20-05 as Findings of Fact.

7:44 PM

**BOARD
DISCUSSION**

None

7:44 PM

**ROLL CALL TO
ADOPT F.O.F.
(FZC-20-05)**

Motion was passed unanimously on a roll call vote.

7:45 PM

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-20-05)**

Adams made a motion, seconded by Horn, to recommend approval of FZC-20-05 to the Board of County Commissioners.

7:45 PM

**BOARD
DISCUSSION**

None

7:45 PM

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-20-05)**

The motion passed on a 4-2 roll call vote. Nogal and Sirucek dissented.

7:45 PM

**KELCEY &
TAWNYA
BINGHAM
(FZC-20-06)
7:46 PM**

A zone change request from Kelcey & Tawnya Bingham with technical assistance by Terra Designworks, LLC for property in the Rural Whitefish Zoning District. The proposal would change the zoning on property located at 400 E. Texas Avenue, Whitefish, MT from SAG-10 (Suburban Agricultural) to R-2.5 (Rural Residential). The total acreage involved in the request is approximately 13.67.

**STAFF REPORT
7:46 PM**

Donna Valade reviewed staff report FZC-20-06 for the board.

**BOARD
QUESTIONS
7:48 PM**

None

**APPLICANT
PRESENTATION
7:48 PM**

None

**AGENCY
COMMENTS
7:48 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
7:48 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-20-06)
7:49 PM**

Sirucek made a motion, seconded by Adams, to adopt staff report FZC-20-06 as Findings of Fact.

**BOARD
DISCUSSION
7:49 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FZC-20-06)
7:49 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-20-06)
7:49 PM**

Sirucek made a motion, seconded by Adams, to recommend approval of FZC-20-06 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:50 PM**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-20-06)
7:50 PM**

The motion passed on a 5-1 roll call vote. Nogal dissented.

**TYLER AND
KETURAH
KERST
(FZC-20-07)
7:50 PM**

A zone change and a neighborhood plan amendment request by Tyler and Keturah Kerst for property in the Bigfork Zoning District. The proposal would change the zoning on property located at 25 Echo Bay Trail in Bigfork, MT from *AG-20 (Agricultural)* to *SAG-10 (Suburban Agricultural)*. The total acreage involved in the request is 22.09 acres.

**STAFF REPORT
7:51 PM**

Erik Mack reviewed staff report FZC-20-07 for the board.

**BOARD
QUESTIONS
7:53 PM**

None

**APPLICANT
PRESENTATION
7:53 PM**

Tyler Kerst, 501 McCaffery Rd, gave the property history and summarized the intent of wanting to transfer half of the newly acquired property to his widowed mom so that she would have a place to stay with them.

**BOARD
QUESTIONS
7:54 PM**

None

**AGENCY
COMMENTS
7:54 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT**
7:54 PM

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-20-07)**
7:54 PM

Stevens made a motion, seconded by Sirucek, to adopt staff report FZC-20-07 as Findings of Fact.

**BOARD
DISCUSSION**
7:55 PM

None

**MOTION TO
AMEND FINDING
OF FACT #1**
7:55 PM

Nogal motioned, seconded by Sirucek, to amend Finding of Fact #1 to state:
The proposed zoning map amendment from **AG-20 to** SAG-10 **to SAG-5** appears to comply with the Bigfork Neighborhood Plan Map Year 2020 because the proposed zoning classification is compatible with the future land use map designation of 'Agricultural.'

**BOARD
DISCUSSION**
7:55 PM

None

**ROLL CALL TO
AMEND FINDING
OF FACT #1**
7:55 PM

Motion passed unanimously on a roll call vote.

**ROLL CALL TO
ADOPT F.O.F.
(FZC-20-07)**
7:55 PM

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-20-07)**
7:55 PM

Stevens made a motion, seconded by Sirucek, to recommend approval of FZC-20-07 to the Board of County Commissioners.

**BOARD
DISCUSSION**
7:56 PM

Sirucek said his grandfather had owned the farm to the southeast. He felt this was a fairly appropriate zone change for that part of the world.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-20-07)
7:57 PM**

The motion passed unanimously on a roll call vote

**JAMES
GELOMINO
(FZC-20-08)
7:57 PM**

A zone change request from James Gelormino for property in the Willow Glen Zoning District. The proposal would change the zoning on property located at 628 Willow Glen Drive, Kalispell, MT from *R-2 (One Family Limited Residential)* to *R-5 (Two-Family Residential)*. The total acreage involved in the request is approximately 2.35 acres.

**STAFF REPORT
7:57 PM**

Erin Appert reviewed staff report FZC-20-08 for the board.

**BOARD
QUESTIONS
7:58 PM**

None

**APPLICANT
PRESENTATION
7:58 PM**

None

**AGENCY
COMMENTS
7:58 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
7:59 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-20-08)
7:59 PM**

Nogal made a motion, seconded by Sirucek, to adopt staff report FZC-20-08 as Findings of Fact.

**BOARD
DISCUSSION
7:59 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FZC-20-08)**

Motion was passed unanimously on a roll call vote.

7:59 PM

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-20-08)
8:00 PM**

Adams made a motion, seconded by Nogal, to recommend approval of FZC-20-08 to the Board of County Commissioners.

**BOARD
DISCUSSION
8:00 PM**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-20-08)
8:00 PM**

The motion passed unanimously on a roll call vote

**LARSEN
RECUSED
HIMSELF
8:01 PM**

Due to the conflict of interest, as stated earlier in the meeting, Larsen recused himself and Vice-Chairmen Stevens took over to run the meeting.

**THE FORT
(FPP-20-05)
8:00 PM**

A request from Sands Surveying, Inc., on behalf of Richard & Nancy Whitaker and Tim & Sherrie Calaway for preliminary plat approval of The Fort, a proposal to create 14 new commercial lots on 10.003 acres. The proposal would be served by the Bigfork Water and Sewer District. The property is located at 135 Montana Highway 83.

**STAFF REPORT
8:00 PM**

Donna Valade reviewed staff report FPP-20-05 for the board.

**BOARD
QUESTIONS
8:05 PM**

None

**APPLICANT
PRESENTATION
8:05 PM**

Tim Calaway, 365 Riverbend Rd., summarized his proposal and intent behind the application. He explained the property had been zoned over 26 years ago and was zoned when the Bigfork Neighborhood Plan had been put into place. They had been planning this [development] for a long time. It was served by Bigfork Water and Sewer, in which he had paid \$100k SID to have that service. This had always been in the works. He addressed the access and said he had sold the county the green box site and gave them access over his land.

The access was close to the intersection. He addressed the traffic concern and said there should be no problems with access.

Eric Mulcahy with Sands Surveying, 2 Village Loop, said after looking at the application being commercial use, and the B-3 having a broad spectrum of potential uses, they decided to have a traffic impact study done. When they received the traffic study back, it did not go over the 400 vehicle trips per day that would require the study be done. They had met with MDOT to show the approaches they wanted to use. They were working with the proper agencies to see what would be required of them, including if a left hand turn lane would be required, and were working through their processes to know exactly what they may or may not require. This had been designated in the Bigfork Land Use Neighborhood Plan as a commercial area. The adjacent properties included similar uses. He continued to discuss the logistics of the proposal in great detail and believed they had addressed any concerns that might be in the future.

**BOARD
QUESTIONS
8:10 PM**

Sirucek asked Mulcahy to address the suggestions made by BLUAC. Mulcahy said they were having a problem following their train of thoughts over the webex meeting. Mulcahy reviewed the BLUAC minutes and had no adversity to their suggestions and felt they could comply with those requests.

**AGENCY
COMMENTS
8:11 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
8:13 PM**

None

**BOARD
QUESTIONS
8:13 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-20-05)
8:14 PM**

Nogal made a motion, seconded by Sirucek, to adopt staff report FPP-20-05 as Findings of Fact.

**AMEND FINDING
OF FACT #4
8:16 PM**

Sirucek motioned, seconded by Nogal, to amend Finding of Fact #4 to state:
~~The road system appears to be acceptable because the primary access points would be from Highway 83 which is a paved two-lane MDT maintained highway and internal subdivision roads constructed to Flathead County Road and Bridge Standards, and the potential increase for Highway 83 is 0.8 %.~~ *The road system*

access point do not appear to be adequate based on MDOT recommendations. The western approach into the subdivision is in place and serves the county green box site, mini storage and this subdivision from Hwy 83 and the eastern access is just an Ag approach from Hwy 83. Both access approaches will need to go through the Systems Impact Review with the MDOT Helena office.

**BOARD
DISCUSSION
8:16 PM**

None

**ROLL CALL TO
AMEND FINDING
OF FACT #4
8:17 PM**

Motion passed unanimously on a roll call vote

**AMEND FINDING
OF FACT #17
8:18 PM**

Sirucek motioned, seconded by Nogal, to amend Finding of Fact #17 to state:
No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 3, 2018;. If compliant, legal and physical access ~~would~~ *will* be provided and potential impacts to the primary review criteria ~~appear able to~~ *will* be adequately addressed by ~~conditions~~ *MDOT*.

**BOARD
DISCUSSION
8:18 PM**

None

**ROLL CALL TO
AMEND FINDING
OF FACT #17
8:18 PM**

Motion passed unanimously on a roll call vote

**MOTION TO
DELETE
FINDING OF
FACT #20
8:19 PM**

Nogal motioned, seconded by Sirucek, to delete Finding of Fact #20.

**BOARD
DISCUSSION
8:19 PM**

None

**ROLL CALL TO
DELETE
FINDING OF
FACT #20
8:19 PM**

Motion passed unanimously on a roll call vote

**ROLL CALL TO
ADOPT F.O.F.
(FPP-20-05)
8:19 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-20-05)
8:20 PM**

Sirucek made a motion, seconded by Adams, to recommend approval of FPP-20-05 to the Board of County Commissioners.

**MOTION TO ADD
CONDITION #18
8:20 PM**

Nogal motioned, seconded by Adams to add Condition #18 to state:

This proposal will require the applicant to submit new approach permits for 2 access points to the subdivision and comply with conditions imposed by the Systems Impact Review from the MDOT Helena Office.

**BOARD
DISCUSSION
8:20 PM**

None

**ROLL CALL TO
ADD CONDITION
#18
8:21 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO ADD
CONDITION #19
8:21 PM**

Nogal motioned, seconded by Adams to add Condition #19 to state:

This applicant shall provide to MDOT the comments of BLUAC to the effect that there is a dangerous highway condition in this area which must be remediated.

**BOARD
DISCUSSION
8:21 PM**

Sirucek did not feel adding the condition was necessary.

**ROLL CALL TO
ADD CONDITION
#19**

Motion failed on a 1-5 roll call vote.

8:22 PM

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-20-05)
8:22 PM**

The motion passed unanimously on a roll call vote

**LAKESIDE
MARINA
RESORT, LLC
LAKESHORE
VARIANCE
(FLV-20-02)
8:23 PM**

A request by APEC Engineering, Inc. on behalf of Lakeside Marina Resort, LLC for a Major Lakeshore Variance to the following Sections: 4.2(E)(2)(a), 4.2(E)(2)(b), 4.3(E)(2)(a)(3), 4.3(E)(2)(c)(7), 4.3(F)(2)(e), 4.3(F)(2)(f), 4.3(F)(2)(h)(3), 4.3(F)(2)(h)(4), 4.3(F)(2)(h)(5), 4.3(F)(2)(h)(6), 4.3(A)(2)(a)(9), 4.3(B)(2)(c)(4), and 4.3(B)(2)(c)(5) of the Flathead County Lake and Lakeshore Protection Regulations (FCLR). The applicant is proposing to fill a portion of an existing man-made channel abutting the Highway 93 right-of-way within the Lakeside Marina shoreline property, behind a new concrete retaining wall. The proposed fill will create additional parking spaces, walkways, landscaping buffers and a location to install a stormwater filtration system. The applicants are also proposing a new 111' long by 10" thick retaining wall at a variable height of (8' to 10') from the lakebed, located 60' in front of the existing back retaining wall (rebuilt in 2006) and replacing the existing boardwalk at the landward side of the current wall with a 111' wide dock parallel to the new retaining wall. The subject property is located at 7129 US Highway 93 in Lakeside, MT.

**STAFF REPORT
8:25 PM**

Erin Appert reviewed staff report FLV-20-02 for the board.

**BOARD
QUESTIONS
8:28 PM**

None

**APPLICANT
PRESENTATION
8:28 PM**

Tamara Tanberg with APEC Engineering Inc, 111 Legend Trl., represented the applicant and was available for questions.

**BOARD
QUESTIONS
8:28 PM**

Adams asked for clarity on the location of existing buildings and the project location. Tanberg pointed to the site plan to clarify.

**AGENCY
COMMENTS
8:28 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
8:31 PM**

Bruce Young, 266 Stoner Creek Road, Lakeside, distributed a photo which was stamped into the record. He had opposed previous proposals on this property, however, he is in support of this proposal. The lakeshore was dredged a long time ago to create a harbor and this was the location where Bierney Creek ran into Flathead Lake. The photo illustrated the runoff into the lake. They proposed to extend the land halfway to the natural lakeshore. He would extend it farther to align with the natural lakeshore. The win for Lakeside was threefold. There was a serious highway traffic problem, pedestrian problem, and pollution problem. He had previously asked the County to install a filter for the creek but they claimed to not have the resources. This was a great start to solving the issues. Bierney Creek had been a sore in the lake for the last 40 years. They met with the engineers, Flathead Lake Biological Station, and the Flathead Lake Protection Association (he was a board member), and everyone agreed this was a reasonable start to resolving the current situation. He also liked that the parking will be filtered. It addressed the safety, sanitation, and parking issues in a positive way.

Margaret Davis, 865 Lakeside Boulevard, Lakeside, provided written comment and endorsed the statements within the previous public comment regarding treating the runoff from Bierney Creek. This would be an asset to lake quality and the community. She was primarily concerned with the interface between the marina and Highway 93. Along this stretch of highway, which was especially congested during the summer, was a County park, boat ramp, the marina, a variety of businesses, condos, and Volunteer Park. Connecting these public places with sidewalks that met MDT specs would be the ideal solution. She did not see how the project could proceed without some sort of interaction between the applicant and MDT. She hoped the project would incorporate a response from MDT as to whether they would provide sidewalks. Otherwise, it was hard to justify a public walkway without an easement through the marina. This put the burden on the property owner. The best solution for public safety would be a public sidewalk constructed to MDT specs. She hoped to have this included as a condition.

**APPLICANT
REBUTTAL/
COMMENTS
8:38 PM**

None

**STAFF
REBUTTAL/
COMMENTS
8:38 PM**

None

**BOARD
QUESTIONS
8:39 PM**

Larsen asked the applicant to address the public comment requesting an easement for the sidewalk. Tanberg replied she was not part of the conversation with MDT or the County Commissioners, but there was documentation showing MDT did not want to participate in providing a sidewalk. Tanberg stated they would be willing to pursue an easement if needed. Larsen clarified the concern was that, without an easement, the public would not necessarily be able to utilize the sidewalk. Tanberg agreed and confirmed it was the applicant's intention to provide a public walkway and an easement could likely be provided.

**MAIN MOTION
TO ADOPT F.O.F.
(FLV-20-02)
8:40 PM**

Sirucek made a motion, seconded by Horn, to adopt staff report FLV-20-02 as Findings of Fact.

**BOARD
DISCUSSION
8:41 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FLV-20-02)
8:41 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FLV-20-02)
8:41 PM**

Sirucek made a motion, seconded by Nogal, to recommend approval of FLV-20-02 to the Board of County Commissioners.

**BOARD
DISCUSSION
8:41 PM**

Sirucek spoke to his familiarity with the property, existing development in the area, and the need for storm water filtration. This proposal would have a positive effect and he was in favor.

Larsen asked the board for thoughts on a condition for the sidewalk.

Stevens stated he was not sure what the recommendation was for a condition. If the recommendation was to have MDT provide an easement and a sidewalk, he does not see how that could be a condition as it would require the applicant to get another party to do something. Larsen responded he believed the request was to have the applicant provide an easement. Larsen asked Davis to clarify what was requested. Davis stated she was involved in another project in Lakeside which involved building a sidewalk within the MDT right-of-way. If

this sidewalk was on private property and not within the MDT right-of-way, an easement would protect public access to use the sidewalk.

Larsen stated that it seemed like a good idea and asked staff for their thoughts on whether it would be similar to a bike path easement.

Mussman stated there was history with sidewalks on this property. The owner, through an engineering firm, requested MDT provide a sidewalk within the right-of-way. MDT would have required the County to assume maintenance of the sidewalk, and similar to bike trails, the Commissioners were reluctant to commit to maintenance of a sidewalk. However, if there was an easement outside of the highway right-of-way, the property owners would likely be required to maintain it, rather than the County or MDT. If the plans showed a sidewalk on the property, then they would likely provide a sidewalk. Extending the sidewalk north or south was a different conversation and would be similar to a future bike path. Perhaps at some point in time there would be more sidewalks in Lakeside. He was going to leave the decision up to the Board on whether to add a condition requiring an easement. It would be possible and similar to a bike path easement. He also suggested considering the width of the required easement.

Larsen stated they would probably let the applicant decide the width. Horn asked Davis how wide the sidewalk would need to be. Davis responded she believed MDT standards were six feet, but since the easement would be on private property, that as something the property owner could determine. It was the same with ADA standards. Larsen stated the plans showed a five foot-wide sidewalk. Davis responded it would be better than the current path. Larsen recommended a five-foot wide easement.

Adams asked whether there was still a chance they could provide a sidewalk within the right-of-way even if an easement is placed on the property. His concern was whether they could utilize the land within the easement for something else, in the event a sidewalk is built within the highway right-of-way.

Mussman asked whether the easement would cover the entire highway frontage. The applicant pointed to the site plan to clarify what was proposed and confirmed the plan shows a five foot-wide sidewalk adjacent to the highway right-of-way, within the fill area.

**MOTION TO ADD
CONDITION #11
8:54 PM**

Larsen motioned, seconded by Nogal, to add Condition #11 to state:

The applicant shall provide a five foot-wide easement for the sidewalk along Highway 93 for the use of the public within the area of the proposed fill where the sidewalk is shown on the plan.

**BOARD
DISCUSSION
8:54 PM**

None

**ROLL CALL TO
ADD CONDITION
#11
8:41 PM**

The motion passed unanimously on a roll call vote

**ROLL CALL TO
RECOMMEND
APPROVAL
(FLV-20-02)
8:55 PM**

The motion passed unanimously on a roll call vote

**MACKIN
TOWNHOMES
(FPP-20-08)
8:55 PM**

A request from TD&H Engineering, on behalf of Patrick Mackin for preliminary plat approval of Mackin Townhomes, a proposal to create 18 new townhouse lots within the Evergreen Zoning District. The proposal contains 5.714 acres and would be served by Evergreen Water and Sewer District. The properties are located at 203 and 207 Harmony Road, Kalispell, MT.

**STAFF REPORT
8:55 PM**

Donna Valade reviewed staff report FPP-20-08 for the board.

**BOARD
QUESTIONS
8:59 PM**

Nogal asked for clarification on what LOMA stood for. Valade explained that it was a Letter Of Map Amendment.

**APPLICANT
PRESENTATION
8:59 PM**

Doug Kauffman with TD&H Engineering, 450 Corporate Dr. #101, represented the applicant as their technical assistant. He stated the project was residential infill served by Evergreen Water and Sewer. They were amendable to the conditions as adjusted by staff and were available for questions from the Board.

**BOARD
QUESTIONS
9:00 PM**

Nogal inquired about the design of the structure. Kauffman discussed the configuration and height of the possible structures.

**AGENCY
COMMENTS
9:00 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
9:00 PM**

Brittney Reisinger, 519 East Evergreen Drive, had questions and wanted clarification on the project.

Reisinger and Larsen discussed how the water and sewer would be installed next to her property and setbacks from the property lines.

**APPLICANT
REBUTTAL/
COMMENTS
9:04 PM**

None

**STAFF
REBUTTAL/
COMMENTS
9:04 PM**

None

**BOARD
QUESTIONS
9:04 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-20-08)
9:04 PM**

Stevens made a motion, seconded by Nogal, to adopt staff report FPP-20-08 as Findings of Fact.

**BOARD
DISCUSSION
9:05 PM**

The board and staff discussed possible wording for the amendment of Finding of Fact #5.

**MOTION TO
AMEND FINDING
OF FACT #5
9:06 PM**

Larsen motioned, seconded by Sirucek, to amend Finding of Fact #5 to state:
Adverse impacts on schools, mail delivery and recreation are not anticipated as a result of the proposal subdivision because the mail box site will be required to be approved by the local postmaster, the proposal has the potential to add 15 school children, the Evergreen School District did not comment on the proposal, a bike/pedestrian easement will *not* be required for proposed Lot 18 and the parkland dedication requirement is fulfilled with payment of cash-in-lieu.

**BOARD
DISCUSSION
9:06 PM**

None

**ROLL CALL TO
AMEND FINDING
OF FACT #5
9:05 PM**

The motion passed unanimously on a roll call vote.

**BOARD
DISCUSSION**
9:07 PM

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-20-08)**
9:07 PM

The motion passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-20-08)**
9:07 PM

Stevens made a motion, seconded by Nogal, to recommend approval of FPP-20-08 to the Board of County Commissioners.

**BOARD
DISCUSSION**
9:07 PM

Adams felt this was a good proposal and addressed some of the concerns that had been brought up in the past such as school access and affordable housing.

**MOTION TO
DELETE
CONDITION #17**
9:08 PM

Larsen motioned, seconded by Stevens, to delete Condition #17.

**BOARD
DISCUSSION**
9:08 PM

None

**ROLL CALL TO
DELETE
CONDITION #17**
9:08 PM

The motion passed unanimously on a roll call vote.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-20-08)**
9:09 PM

The motion passed unanimously on a roll call vote

COUNTRY HOME ESTATES SUBDIVISION (FPP-20-07) 9:09 PM	A request from 406 Engineering, Inc. on behalf of BB Development Company, LLC, for preliminary plat approval of Country Home Estates Subdivision, a proposal to create eight (8) residential lots. The proposal contains 6.25 acres and would be served by individual septic and a community well. Access to each lot would be off an internal subdivision road via Hodgson Road. The property is located at 575 and 585 Hodgson Road.
STAFF REPORT 9:09 PM	Erik Mack reviewed staff report FPP-20-07 for the board.
BOARD QUESTIONS 9:11 PM	None
APPLICANT PRESENTATION 9:12 PM	Nathan Lucke with 406 Engineering, 35 8 th St, represented the applicants. He agreed with the staff report and supported the conditions of approval. He summarized the proposal for the board and mentioned that he appreciated the way the staff evaluated the comments from the airport.
BOARD QUESTIONS 9:14 PM	None
AGENCY COMMENTS 9:14 PM	<p>Ian McKay, the deputy director at Glacier Park International Airport, read his letter of opposition and concern. The property was within the airport affected area. He suggested language be added to the preliminary and final plat, as suggested in the letter.</p> <p>Stevens asked if it was their recommendation the property never be developed and McKay replied yes, that was their recommendation.</p>
PUBLIC COMMENT 9:21 PM	None
APPLICANT REBUTTAL/ COMMENTS 9:21 PM	Lucke addressed questions from the public and comments from GPI Airport. He discussed getting approval from DEQ and the amazing aquifer that was in this area of the valley. He addressed the proposed density and said it would have negligible impact and was appropriate for the area. He also did not challenge the airport's position on the matter but felt that commenting on a project by project basis for their concerns was inappropriate. He felt they should be looking at it from an all-encompassing zoning (and county wide) situation. The property was over a half mile away and he continued to discuss the logistics of the subdivision and address some of the concerns that were

brought up by the airport. He appreciated the staff's analysis of the comments, in which they had come up with some finding of facts and conditions of approval which were appropriate. This included notifications on the face of the plate to notify future home buyers of potential air traffic above their home. He felt the concerns were adequately addressed.

**STAFF
REBUTTAL/
COMMENTS
9:25 PM**

None

**BOARD
QUESTIONS
9:25 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-20-07)
9:26 PM**

Stevens made a motion, seconded by Nogal, to adopt staff report FPP-20-07 as Findings of Fact.

**BOARD
DISCUSSION
9:26 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-20-07)
9:26 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-20-07)
9:26 PM**

Stevens made a motion, seconded by Nogal, to recommend approval of FPP-20-07 to the Board of County Commissioners.

**BOARD
DISCUSSION
9:27 PM**

Adams thanked McKay for bringing up the airport's position [on the matter]. He acknowledged that it was a difficult situation. He was a pilot and loved aviation. He understood the problems with having developments next to the airport. They had seen this with the City of Kalispell airport. He felt notification to potential buyers was a good idea. At the same time, Adams stood for private property rights and did not see a reason to deny [the development] and therefore he would support the application. He saw the potential problem with having homeowners complain about noise. He did see it leading to issues down the road. He understood where the airport was coming from but was going to support the application.

Ian said he appreciated the comments. They were only regulated to respond to comments on development case by case. He felt there were other types of development, other than residential, that would be appropriate and therefore the property owners would not have to eat it. At the present time, they did not have a good mechanism in place where they could wholesale manage the land use around the airport so they were obligated to respond to comments on a case by case basis. That was something they would love to work with the county to change in the future. He felt it was incredibly necessary and important to have a great partnership [with the county]. He felt it was achievable and hoped to make recommendations to the updates in the growth policy. He appreciated the comments.

Horn felt the buyer had a responsibility to decide how close they wanted to live next to the airport.

Stevens recapped the public concerns and how each were addressed. He felt this development would support the need for affordable housing.

Larsen appreciated the comments from McKay. He appreciated the idea of having recommendations from GPI for development around the area of the airport and discussed the possibility of working together when looking at the Growth Plan. Right now, it was difficult to take away somebody's property rights. The best thing they could do was put some conditions on it to address it. Long term, he suggested they get involved in the process [of the Growth Policy]. Larsen mentioned he didn't have a problem with the density and he felt ½ an acre was easier to maintain and was not out of character [for the area].

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-20-07)
9:38 PM**

The motion passed on a 5-1 roll call vote. Sirucek dissented.

**ERNSBERGER
HILLS
(FPP-20-06)
9:39 PM**

A request from Scott & Jocelyn Ernsberger with technical assistance from Sands Surveying, Inc., for preliminary plat approval of Ernsberger Hills, a proposal to create two (2) residential lots. The proposed subdivision contains 48.976 acres and is located at 2 Tiger Lily Lane in Marion, MT. Lot 1 is currently developed and is accessed via an existing driveway off Tiger Lily Lane. Lot 2 would be served by an individual septic system and well and access is proposed via an existing approach off Highway 2, which also serves the adjacent Weyerhaeuser Company property.

STAFF REPORT <i>9:39 PM</i>	Erin Appert reviewed staff report FPP-20-06 for the board.
BOARD QUESTIONS <i>9:40 PM</i>	None
APPLICANT PRESENTATION <i>9:40 PM</i>	Eric Mulcahy with Sands Surveying, Inc., 2 Village Loop, was the technical representative for the applicants. He summarized the proposal. The applicants live on proposed Lot 1. Their plan was to sell Lot 1 and move to Lot 2. They purchased approximately 35 acres of the property from Weyerhaeuser several years ago. Weyerhaeuser did a boundary line adjustment to add it to the applicant's existing property. They were creating one additional lot which they intend to move to.
BOARD QUESTIONS <i>9:42 PM</i>	None
AGENCY COMMENTS <i>9:42 PM</i>	There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.
PUBLIC COMMENT <i>9:42 PM</i>	None
MAIN MOTION TO ADOPT F.O.F. (FPP-20-06) <i>9:42 PM</i>	Sirucek made a motion, seconded by Nogal, to adopt staff report FPP-20-06 as Findings of Fact.
BOARD DISCUSSION <i>9:43 PM</i>	None
ROLL CALL TO ADOPT F.O.F. (FPP-20-06) <i>9:43 PM</i>	The motion was passed unanimously on a roll call vote.
MAIN MOTION TO RECOMMEND APPROVAL (FPP-20-06)	Adams made a motion, seconded by Sirucek, to recommend approval of FPP-20-06 to the Board of County Commissioners.

9:43 PM

**BOARD
DISCUSSION
9:43 PM**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-20-06)
9:43 PM**

The motion passed unanimously on a roll call vote

**OLD BUSINESS
9:44 PM**

None

**NEW BUSINESS
9:44 PM**

None

**ADJOURNMENT
9:44 PM**

Stevens motioned, seconded by Nogal, to adjourn the meeting. The next Flathead County Planning Board meeting will be held on July 8, 2020



Jeff Larsen, Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 1 / 8 /20